

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

Frank Harmon Black and Southeast  
Investments, N.C., Inc.,

Plaintiffs,

v.

Financial Industry Regulatory Authority and  
Securities and Exchange Commission,

Defendants.

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**Case No. 3:23-cv-709-RJC-DCK**

**CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendant Financial Industry Regulatory Authority, Inc. (“FINRA”) respectfully cross-moves for summary judgment on all of Plaintiffs’ claims under Fed. R. Civ. P. 56(a). There is no genuine dispute of any material fact, and, as a matter of law, judgment should be entered in favor of FINRA on Counts 1 and 2 of Plaintiffs’ Complaint; the Court should dismiss Count 3 for lack of subject matter jurisdiction, or if it concludes that it possesses jurisdiction, should enter judgment for FINRA on that claim. Per Local Civil Rule 7.1(c), the reasons supporting this motion are set forth in a separate brief filed along with the motion.

**CONCLUSION**

The Court should grant FINRA’s cross-motion for summary judgment on all of Plaintiffs’ claims.

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Respectfully submitted,

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